

# MEETING MINUTES BOARD OF MASSAGE THERAPY

Draft  
These minutes have  
**NOT** been approved by  
the Board

September 7, 2006

## 1. ROLL CALL

The meeting was called to order by Cheryl Cradduck, Vice-Chair at 12:30 p.m. in the Department of Health and Human Services, Sixth Floor Conference Room Z, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meeting Law. The following members answered the roll call:

Board Members Present: Cheryl Cradduck, Vice-Chairperson  
Sue Kozisek, Member  
Bradley Decker, Member

Board Members Absent: Gail Anderson, Member

Others: Kris Chiles, Section Administrator, Credentialing Division  
Julie Agena, Attorney General  
Janet Coleman, Board of Health  
Barb Remmers, Investigations

A quorum was present and the meeting convened.

## 2. ADOPTION OF THE AGENDA

**DRAFT**

These minutes have  
not been approved  
by the Board

**MOTION:** Decker moved, seconded by Kozisek, to approve the agenda as mailed taken. Voting aye: Decker, Kozisek, Cradduck (3). Voting nay: None (0). Absent: Anderson (1). Motion Carried.

## 3. APPROVAL OF MINUTES

**MOTION:** Decker moved, to approve the minutes of June 1, 2006 as written.

Kozisek requested the adjournment statement be changed from "the Board of Massage Therapy adjourned at 3:10 due to lack of a quorum" to "the Board of Massage Therapy adjourned at 3:10".

After discussion Decker withdrew the motion.

**MOTION:** Kozisek moved, seconded by Decker, to approve the minutes of June 1, 2006, with the corrections relating to adjournment. Voting aye: Decker, Kozisek, Cradduck (3). Voting nay: None (0). Absent: Anderson (1). Motion Carried.

## 4. INVESTIGATIVE REPORTS AND COMPLIANCE MONITORING – CLOSED SESSION

**MOTION:** Decker moved, seconded by Kozisek, to enter into closed session at 12:038p.m. to hear discussions of a confidential nature for the prevention of needless injury to the reputation of the individuals. A voice vote was taken. Voting aye: Decker, Kozisek, Cradduck (3). Voting nay: None (0). Absent: Anderson (1). Motion Carried.

12:39 p.m. – Meeks entered the meeting  
12:44 p.m. – Anderson entered the meeting  
1:09 p.m. – Meeks departed the meeting  
1:12 p.m. – Meeks entered the meeting  
1:25 p.m. – Meeks departed the meeting

**MOTION:** Decker moved, seconded by Kozisek, to enter into open session at 2:10 p.m. A voice vote was taken. Voting aye: Anderson, Decker, Kozisek, Craddock (4). Voting nay: None (0). Absent: None (0). Motion Carried.

2:10 p.m. – Board recessed

2:23 p.m. – Board resumed meeting

## **5. DISCIPLINARY AND NON-DISCIPLINARY INFORMATION – OPEN SESSION**

### **a. Probationary Terms Relating to Ethics/CE Coursework**

Chiles asked the Board to start thinking about when recommendations are made for an applicant or licensee to take an ethics class, it might be helpful if the licensee or applicant who has been offered probation, is given some direction on what type of ethics class to take. For example, if homestudy is acceptable, or if there is a specific item being recommended or just an ethics class in general.

After discussion, the Board agreed that a homestudy ethics class is not acceptable as fulfilling the terms and conditions of probation or disciplinary

### **b. Actions Pending/Taken**

**Michelle Oelschlager** was issued a non-disciplinary Assurance of Compliance as recommended by the Board at the August, 2006, meeting. Ms. Oelschlager received and signed the Assurance of Compliance and is in effect.

**Zeth Swanson** was offered a two year probationary license, which he accepted. As part of probation it was recommended he successfully pass the Board Developed Examination and also complete an ethic's course. He did take the exam and passed.

**Brittany Bowers** has received an Order on Agreed Settlement which placed her license on probation for one year. She is required to complete an 8-hour ethics class, the jurisprudence exam, and comply with the standard probationary terms and conditions (i.e.: notification of address and employer changes).

**Danielle Lieback** was sent a cease and desist letter on August 22, 2006, for the unlicensed practice of massage therapy.

### **c. Administrative Penalties**

No administrative penalties have been assessed since the last Board meeting.

## **6. UNFINISHED BUSINESS**

### **a. Consumption of Alcohol in Public Places**

Chiles stated that the department has received a number of questions relating to serving, providing, or allowing alcoholic beverages in massage therapy establishments. She continued by stating that the Massage Therapy Establishment Regulations prohibit using, consuming, serving, or in any manner possessing or distributing intoxicating beverages or controlled substances upon its premises during the hours the establishment is open to the public.

Given the number of questions, she asked the Board members if they wished to revisit the regulations relating to intoxicating beverages. The board recommended discussion resume at the next regulation worksession.

b. Board of Veterinary Medicines opinion relating to Massaging Animals

Chiles stated she received an e-mail from the Board of Veterinary Medicine. It stated that the Board of Veterinary Medicine and Surgery does consider massage therapy on an animal to be part of their scope of practice and therefore should not be performed on an animal except by a licensed veterinarian. This has been their position for many years; their scope of practice refers to diagnosis and treatment animal disease, etc. Furthermore veterinarians can not delegate the practice of veterinary medicine and surgery to other individuals except licensed veterinary technicians and unlicensed assistants as defined in their regulations.

Recently the Board has been working on considering provisions to allow other practitioners, i.e., massage therapists, physical therapist, chiropractors, to be able to work on animals providing there is appropriate protection for the public in place. The Board is going to ask Dr. Schafer to request an attorney general opinion on the statutory definition for unlicensed assistant. The Board of Veterinary Board will contact the Board of Massage Therapy when an opinion has been reached.

c. Other

No other unfinished business to discuss.

## 7. New Business

a. Board of Health Purpose / Role of Public Member / Member Viewpoints

Janet Coleman, member of the Board of Health, stated the reason for a Board is to protect the public. It is important for public members to have an input on issues brought to Boards. The Board of Health asks that there be a liaison to every Board. She is the liaison to the Massage Board. She is trying to understand what issues that the Board is addressing and to convey any difficulties they have with the way the Board is allowed to operate, how members are selected to be on the Board, and the whole process.

Cradduck stated that the time is three minutes after 3:00 p.m., the Board meeting should be adjourned and agenda items will not be completed. Chiles requested that recommendations relating to "application review" be addressed prior to adjournment. Board members agreed to complete this agenda item.

b. Application Review and Recommendations

**MOTION:** Kozisek moved, seconded by Anderson that the conviction identified on Lisa Leonard's application does not have a rational connection to the applicant's fitness to practice the profession at this time and recommended to issue the license with not restrictions. A voice vote was taken. Voting aye: Anderson, Decker, Kozisek, Cradduck (4). Voting nay: None (0). Absent: None (0). Motion Carried.

**MOTION:** Decker moved, seconded by Anderson, to obtain additional information in regards to the convictions identified by applicant Morning Joy Suverkrubbe. A voice vote was taken. Voting aye: Anderson, Decker, Kozisek, Cradduck (4). Voting nay: None (0). Absent: None (0). Motion Carried.

Chiles stated that the department had received an application for the 'Nebraska College of Massage Therapy' which was submitted by Sue Kozisek. This application has been reviewed by the department and members of the board; therefore a board recommendation was in order.

**MOTION:** Decker moved, seconded by Anderson, to approve the curriculum for the Nebraska College of Massage Therapy. A voice vote was taken. Voting aye: Anderson, Decker, Cradduck (3). Voting nay: None (0). Abstain: Kozisek (1). Absent: None (0). Motion Carried.

The following agenda items were tabled to the next meeting:

**Item #7 - New Business**

- b. Application Review and Recommendations
  - Reinstatement / Convictions / Administrative Penalty
- c. Massage Services in Outside Areas
- d. In-home Massage Therapy Services to Family/Friends (no compensation requested and no establishment license)
- e. Massage Therapy School Application Review Process
- f. 2007 Legislation Update
- g. 2007 Meeting Dates
- h. Other

**Item #8 - Election and Appointments**

- a. Officers
- b. Investigative Consultant
- c. Transcript Reviewer
- d. Continuing Education Consultant

**9. ADJOURNMENT**

The Board of Massage Therapy adjourned at 3:18 p.m.

**Next Meeting Date** – The next meeting of the Board is scheduled for **DECEMBER 7, 2006** at the Nebraska State Office Building.

Respectfully submitted,

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Gail Anderson, Secretary

Recorded by: Kris Chiles, Section Administrator  
Transcribed by: Rita Watson, Credentialing Specialist  
Credentialing Division